

Message Text

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71

ACTION IO-14

INFO OCT-01 ISO-00 EUR-25 SAJ-01 SAM-01 OMB-01 ACDA-19

NIC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00

NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 DRC-01

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P 022231Z APR 74

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC PRIORITY 3325

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E.O. 11652: GDS

TAGS: UN PFOR

SUBJ: DEFINITION OF AGGRESSION

REF: DEPT'S 065435

1. WE SENSITIVE TO CONCERN SET FORTH REFTEL. WE
HOWEVER BELIEVE IT POLITICALLY DIFFICULT AND LEGALLY
UNNECESSARY DECLINE TO ACCEPT "SEEK AND RECEIVE"
LANGUAGE FROM FRIENDLY RELATIONS DECLARATION WHICH
WAS APPROVED AND US COSPONSORSHIP AUTHORIZED BY THE
SECRETARY IN SEPTEMBER 1970.

2. ON THE OTHER HAND, IT WOULD NOT BE DIFFICULT TO
EXPLAIN IN CURRENT CONTEXT THAT REITERATION OF THIS
LANGUAGE DOES NOT AMOUNT TO ACCEPTANCE LEGITIMACY USE
OF FORCE ANY MORE THAN IN FRIENDLY RELATIONS CONTEXT.
WE WOULD PLAN MAKE FOL POINTS IN STATEMENT FOR RECORD
TO THIS END:

A) SELF-DETERMINATION SAVINGS CLAUSE FORMULATION
LDOES NOT FUNCTION SO AS TO CREATE NEW RIGHTS BUT
MERELY ADDS ASSURANCE THAT DEFINITION NOT INTENDED
CUT ACROSS EXISTING RIGHT AND OBLIGATIONS REGARDING
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SELF-DETERMINATION.

B) WE ABLE ACCEPT THIS LANGUAGE SINCE IT DOES NOT SPEAK ABOUT USE OF FORCE AND WE INTERPRET LAWFUL ASSISTANCE AND SUPPORT AS THAT WHICH IS GIVEN CONSISTENT WITH ART. 2 PARA 4 OF CHARTER.

C) EVEN IF PHRASE WERE THOUGHT TO REFER TO ARMED FORCE WE ARE NOT ASSERTING SUCH A USE WOULD BE LEGAL BUT RATHER THAT, IN LIGHT OF THE PURPOSES INVOLVED, THE SC, WERE IT ASKED TO CONSIDER A PARTICULAR CASE, MIGHT NOT WISH TO REGARD IT AS AN ACT OF AGGRESSION.

3. FOR ALL THESE REASONS DELEGATION REQUESTS AUTHOTITY ACCEPT SEEK AND RECEIVE LANGUAGE FRIENDLY RELATIONS DECLARATION IN THIS CONTEXT.

4. UK DEPPEMRREP JAMIESCON HAS ASKED AMB. BENNETT TO URGE THAT US COOPERATE WITH WEO/JAPANESE GROUP OF SIX. JAMIESON STATED THAT IT IMPORTANT EXERCISE NOT BE SEEN TO FAIL BECAUSE OF OVER-RIGIDITY ON OUR PART.

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